



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

For the meeting of: May 5, 2015

Date: April 30, 2015
To: Board of Supervisors
From: Supervisor Rex Bohn
Subject: Letter of Opposition to the Proposed AT&T Acquisition of Direct TV

RECOMMENDATION(S): That the Board of Supervisors authorizes the Chair to sign the letter of opposition.

SOURCE OF FUNDING: N/A

DISCUSSION: The Board of Supervisors supports universal access to open internet to ensure local benefits of broadband media services and particularly in remote and rural areas of Humboldt County. As such, the Board is sending a letter to legislative representatives in Washington, urging the Federal Communications Commission (FCC) to deny approval of the proposed AT&T acquisition of Direct TV because the transaction fails to meet the public interest standards, and past experience has shown that media consolidation reduces competition, threatens media localism and harms information diversity. Further, the Board wants to ensure the protection of broadband media consumers and baseline obligations to address local needs and community interest.

FINANCIAL IMPACT: N/A

OTHER AGENCY INVOLVEMENT: N/A

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board discretion.

ATTACHMENTS: Proposed letter of opposition.

Prepared by Kathy Hayes

Signature

REVIEW:

Auditor _____ County Counsel _____ Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM:

☒ Consent
☐ Departmental
☐ Public Hearing
☐ Other

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor
Seconded by Supervisor
And unanimously carried by those members present,
The Board hereby adopts the recommended action
contained in this report.

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

Dated: _____
Ana Hartwell, Deputy Clerk of the Board

By: _____

May 5, 2015

Chairman Tom Wheeler
Commissioner Mignon Clyburn
Commissioner Ajit Pai
Commissioner Jessica Rosenworcel
Commissioner Michael O'Rielly
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman and Commissioners:

The Humboldt County Board of Supervisors respectfully urges the Federal Communications Commission (FCC) to deny approval of the proposed AT&T acquisition of Direct TV [MB Docket No. 14-90] because the transaction fails to meet the public interest standard. At minimum the FCC must require consumer protections and specific public benefits as enforceable conditions of approval.

AT&T-DirecTV merger will further consolidate private ownership for essential communications infrastructure, which we believe is against the public interest. From experience we know that media consolidation reduces competition, threatens media localism and harms information diversity.

Should the mega-deal be approved, four basic tests must be met to ensure minimal protection of broadband media consumers and baseline obligations to address local needs and community interests. To meet the public interest, the AT&T-DirecTV deal must:

1. **Promote Universal Access** to communications networks with robust, expanded rural and tribal build-out commitments, especially serving community based anchors for public, education and government purposes;
2. **Ensure Localism** by empowering and funding public, education & government access for local and tribal government jurisdictions to build and operate local broadband media resources that meet diverse needs of unique communities;
3. **Protect Open Internet** with enforceable net neutrality requirements; and,
4. **Extend Broadband Adoption** to least served populations by requiring AT&T, DirecTV and others to:
 - Include all low-income households in adoption plans and programs;
 - Set high performance goals for network symmetry, latency and speeds;

- Fund and support community media and broadband access through Tribes, States and Local Governments;
- Establish mechanisms for local participation in each affected community; and,
- Offer stand-alone internet service without data caps that is subject to local accountability and enforceable net neutrality rules.

We support the conclusion of California Emerging Technology Fund (CETF) in their Late-Filed Comments in this proceeding, dated October 14, 2014: "The proposed AT&T-DirecTV transaction has far-reaching implications for the nation and poses a significant risk by threatening to leave behind at an accelerating pace 25% of the population who are on the other side of the Digital Divide. People living in low-income neighborhoods are facing a wall of poverty they cannot escape without purposeful intervention and focused attention by policymakers to get them the 21st century tools to participate in our society, including obtaining government services online, performing school or work online, and performing research on health and other critical information. We respectfully request that this Commission craft tangible public interest obligations of the Applicants herein in a manner that will truly benefit those on the wrong side of the Digital Divide."

We also echo the concerns of the National Association of Telecommunications Officers and Advisors (NATOA) in their Comments dated September 16, 2014:

- Lack of support for PEG operations;
- Lack of broadband adoption program;
- Net neutrality protections; and,
- Need for enforcement and reporting requirements.

Should the FCC decide to approve this proposed transaction, which we oppose on principle, we request that the FCC take this opportunity to address these concerns by ordering that AT&T and other entities involved meet four basic requirements:

- **Promote Universal Access** with investments in new infrastructure for our least served people and places;
- **Ensure Localism** with meaningful support for PEG access and roles for local, state and tribal jurisdictions;
- **Protect Open Internet** with strong net neutrality requirements for common carriage and non-discriminatory interconnection; and,
- **Extend Broadband Adoption** by providing substantial free connections and at-cost support for low income communities and community anchor institutions including schools, libraries, health providers, public media and civic organizations.

We request that the FCC take a more active oversight role while also supporting state and local jurisdictions to ensure universal access to open Internet so that the benefits of digital information are delivered to low-income families and community anchor institutions in a more meaningful way.

Absentee ownership of communications infrastructure, such as this AT&T/DirecTV transaction, creates a real need for specific and locally enforceable public interest obligations. Lacking proper regulatory oversight, experience shows that AT&T, DirecTV and other communication utility owners will fail to deliver adequate service to meet local needs and community interests.

Sincerely,

Estelle Fennell, Chair
Humboldt County Board of Supervisors

EF:kh